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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/540,377 | 07/12/2005 | Shizuo Kitahara | 4670-0107PUS1 | 9771 |

2292 7590 07/12/2010
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| EXAMINER |
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JACKSON, MONIQUE R

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| ART UNIT | PAPER NUMBER |
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1787

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| NOTIFICATION DATE | DELIVERY MODE |
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07/12/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

| | | | |
|------------------------------|--------------------------------|---------------------------------|--|
| Office Action Summary | Application No. 10/540,377 | Applicant(s) KITAHARA ET AL. | |
| | Examiner Monique R. Jackson | Art Unit 1787 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed 4/12/10 has been entered. Claims 1-24 have been canceled. New claims 26-35 have been added. Claims 25-35 are pending in the application. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

2. Claims 25-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of WO 03/033255 (Kitahara et al, see also USPN 7,267,887 for the below cited sections.) The admitted prior art teaches that adhesion between thin vapor-deposited layers and plastic moldings including non-polar or polyolefin molding can be improved by incorporating an adhesion promoting additive such as maleic anhydride modified polypropylene into the polyolefin plastic molding composition (See Background Art, pages 1-3.) The admitted prior art does not teach that the adhesion promoting agent incorporated into the polyolefin plastic composition is a cyclized rubber as instantly claimed. However, Kitahara et al teach that adhesion between a shaped article or substrate such as formed from a non-polar resin like polyolefins and an adherend formed of a different material, such as a metal, or a coating layer formed from a different material can be improved by providing a layer of adhesive or a primer layer comprising a cyclized rubber as claimed, including a derivative thereof as claimed, and having a weight average molecular weight, degree of cyclization, gel content, and content of polar groups within the ranges claimed (Entire document; particularly Col. 13, lines 27-48; Col. 15, line 13-Col. 16, line 53.) Kitahara et al teach that when the cyclized rubber composition is utilized as a primer layer, the primer can further comprise other additives or binders such as olefin resin, with the content of the cyclized rubber being 5 to 95wt% (Col. 16, lines 33-55.)

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Hence, given that Kitahara et al teach that cyclized rubber can provide improved adhesion between non-polar or polyolefin substrates and an adherend of different materials including metal, and that the cyclized rubber can be mixed with polyolefin binders in a content of 5-95wt% when provided as a primer for improved adhesion with a subsequent coating, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize the cyclized rubber adhesion promoting agent taught by Kitahara et al in the invention taught by the admitted prior art to improve adhesion between the polyolefin substrate or molding and the thin vapor-deposited film given the predictable results and reasonable expectation of success. With regards to the thickness of the thin vapor deposited film, though the admitted prior art does not specifically limit the film to the claimed film thickness, one having ordinary skill in the art at the time of the invention would have been motivated to determine the optimum thin film thickness based upon the particular vapor deposited material to provide the desired barrier or coating properties for a particular end use, wherein thicknesses within the claimed range are typical in the art and the claimed materials are obvious species of vapor deposited materials utilized in the art and would have been obvious to one skilled in the art at the time of the invention.

Response to Arguments

3. Applicant's arguments with respect to claims 25-35 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R. Jackson whose telephone number is 571-272-1508. The examiner can normally be reached on Mondays-Thursdays, 10:00AM-5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Monique R Jackson/
Primary Examiner, Art Unit 1787
July 6, 2010